

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CUEVA,
OMAR CUEVA, and
JUAN GOMEZ

Defendants,

Magistrate Case No. **10 MS 156**

SEP 15 2010 3:54

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

Title 21, United States Code, Section 841(a)(1)
Possession of Methamphetamine
With Intent to Distribute

Title 18, United States Code, Section 2
Aiding and Abetting

The undersigned complainant, being duly sworn, states:

Count 1

On September 16, 2010, within the Southern District of California, defendants JOSE CUEVA, OMAR CUEVA and JUAN GOMEZ did knowingly and intentionally possess, with intent to distribute, 500 grams and more of a mixture or substance containing a detectable amount, to wit: approximately 6.3 kilograms (14 pounds) of methamphetamine, a Schedule II Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


TODD DOSS
DEA SPECIAL AGENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE,
THIS **17TH** DAY OF **SEPTEMBER, 2010**


THE HON. LOUISA S. PORTER
UNITED STATES MAGISTRATE JUDGE

DDA
9/16/2010
yes

PROBABLE CAUSE STATEMENT

I, Special Agent Todd Doss, declare under penalty of perjury, that the following is true and correct:


On September 16, 2010, Escondido Police observed defendants JOSE CUEVA, OMAR CUEVA and JUAN GOMEZ driving a gold Nissan Altima bearing California license plate number 5HUB894, traveling eastbound on El Norte Parkway near the intersection of Morning View Drive in Escondido, California. GOMEZ was the driver. JOSE CUEVA was the front seat passenger. OMAR CUEVA was in the back seat. As the Altima approached the intersection, the vehicle ran a red light without noticing that a marked Escondido police car was driving northbound on Morning View, approaching the same intersection. As the vehicle ran the red light – which was about one block away from, the police station – the marked unit followed the Altima, ultimately turning on its lights and sirens at the intersection of El Norte Parkway and Escondido Boulevard in an attempt to pull over the vehicle.

The Altima refused to pull over. Instead, the vehicle made a u-turn and accelerated rapidly away from the marked unit. The police gave chase, but the Altima continued to speed away, driving northbound on Center City Parkway and ultimately reaching 130 miles per hour as it made its way onto I-15. By this time, several Escondido Police units were in pursuit of the Altima, as were the California Highway Patrol. The Altima traveled approximately three miles on I-15, exiting on Deer Springs Road. The vehicle then turned east on Hidden Meadows Road, which is a steep incline. (At this point, air support was maintaining visual contact with the Altima as the marked units continued to rush to the scene.) The Altima crashed through a fence belonging to a nearby residence and all three occupants ran down into a ravine. In so doing, all three took items from the vehicle with them as they ran away from the scene. The marked units then caught up with the Altima and were directed by air support as to where the three had run. Police officers created a perimeter around the scene, ultimately locating and arresting all three.

JOSE CUEVA and OMAR CUEVA were located near a pathway that led back to the Altima. A search of that pathway led to the recovery of a red and gold duffel bag containing approximately 14 pounds of methamphetamine. The duffel bag was approximately 40 yards away from JOSE CUEVA and OMAR CUEVA. GOMEZ was located about 120 yards southwest of JOSE CUEVA and OMAR CUEVA. According to the observations of the air support unit, all three had jumped the fence in order to make their way into the ravine. In so doing, the red and gold duffel bag – and another item – were tossed over the fence before GOMEZ fled in one direction and JOSE and OMAR CUEVA fled in another with the duffel bag. When officers went back to the fence, they found the other item that had been tossed over the fence. It was an SKS assault rifle with a bayonet attachment. The gun was loaded with 20 rounds of ammunition with a high capacity magazine and a round in the chamber. At this point, GOMEZ and JOSE CUEVA were arrested and taken to the Escondido Police Department. OMAR CUEVA was taken to Palomar Medical Center because he had sprained his ankle during the pursuit. He was taken to the station later that day. While at the station, GOMEZ spontaneously asked what he was getting charged with and when told he would be charged with narcotics possession, GOMEZ said, "That's it?" Later on, when getting booked into a temporary holding facility, GOMEZ asked, "What if one of us took the hit (the blame) – would it help the other two?"

The substance seized on September 16, 2010, field tested positive for methamphetamine. Based on the quantity of the narcotics, Escondido Police called DEA to assist in the seizure of the drugs.

Executed on September 17, 2010 at _____


Todd Doss
Special Agent